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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,024	02/20/2002	Susan A. Magrino	CPFB3000	5189

23488　　7590　　04/07/2006	EXAMINER
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ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/079,024	MAGRINO ET AL.
	Examiner	Art Unit
	Linda Krisciunas	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 February 2002_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _20 February 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   The following is a Non-Final Office Action in response to the application filed

February 20, 2002. Claims 1-20 are pending.

2.   This Office action has an attached requirement for information under 37 C.F.R. §

1.105. A complete response to this Office action must include a complete response to

the attached requirement for information. The time period for reply to the attached

requirement coincides with the time period for reply to this Office action.

Claim Objections

3.   Claim 17 is objected to because of the following informalities: Improper

punctuation as the end of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Lacy et

al (US 6,524,109).

As per claim 1, Lacy teaches a performance capabilities data set repository (skills database (114)); a user interface system coupled to the performance capabilities data set repository, supporting the entry and editing of performance capability data sets (user interface (101). See also column 6, lines 40-50); and a reviewer interface system coupled to the performance capability data sets wherein the reviewer interface system is responsive to changes in said performance capabilities data sets and wherein a predetermined reviewer is issued a data changed electronic notification of a change in a predetermined performance capability data set through said reviewer interface system (column 16, lines 34-42, where the flag that is stored in the database which serves as notification of a change ie that it is now complete).

As per claim 2, Lacy teaches the reviewer interface supports the issuance of an information request electronic notification to a predetermined user corresponding to said predetermined performance capability data set through said user interface system, wherein said information request electronic notification communicates a request for information regarding an item of said performance capability data set (column 3, lines 18-21, where the user is able to request an analysis of skill sets).

As per claim 3, Lacy teaches data changed electronic notification includes a first notification issued to a screening reviewer and a second notification issued to a substantive skill reviewer (column 16, lines 33-42, where the flags are used to indicate "ready for review status" and completeness of the skill assessment process).

As per claim 4, Lacy teaches performance capability data sets include categorized data fields and free-text data fields, wherein the reviewer interface system

further supports specification of a performance capability requirement set that selects a

corresponding subset of said performance capability data sets, wherein said

performance capability requirement set includes categorized data field criteria and free-

text data field criteria (See Figure 13, where the criteria for skills is in categorized fields

such as "Synthesis Tools" as well as additional skills can be added (1306) which would

constitute a free text criteria.), and wherein said categorized data field criteria is

matched against said categorized data fields and said free-text data fields to select said

corresponding subset of said performance capability data sets (column 4, lines 44-56,

where the skills are grouped and placed in hierarchical order.).

As per claim 5, Lacy teaches performance capability data sets are presented in a

ranked order through said reviewer interface system, wherein said ranked order is

based on a combined scoring of the matching of said free-text data field criteria and

said free-text data field criteria (column 4, lines 44-56, where the skills are grouped and

placed in hierarchical order.).

As per claim 6, Lacy teaches a database including a performance capability data

set repository providing for the storage of performance capability data sets including a

performance capability data set containing categorized user information and free-text

user information (skills database (114)); a user interface coupled to said database

providing for the specification of selection criteria including a categorized performance

capability item and a key word (user interface (101) and column 16, lines 55-61, where

the search function is used to find key words or phrases that may be contained in the

skill information); means for selecting a set of said performance capability data sets

from said performance capability data set repository by matching said categorized

performance capability item against said categorized user information and matching

said key work against said free-text user information (column 16, lines 55-61, where the

search function is used to match phrases from the skill information to find a profile with

the desired skill sets); and means for ordering said set of performance capability data

sets reflective of the matching of said key work with said free-text user information of

said performance capability data sets of said set (column 18, lines 11-26, where in the

report function the user can set up the skill sets in a hierarchy and set "parent"

associations so that the data is ordered in a desired format.).

As per claim 7, Lacy teaches means for ordering is further reflective of the

matching of said categorized performance capability item with said categorized

performance capability item with said categorized user information of said performance

capability data sets of said set (column 18, lines 27-59, where skill set analysis is

performed using MSSD and/or Reporting which further defines the data with it's

respective categorization.).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lacy in view of Haq et al (US 6,275,812).

As per claim 8, Lacy does not explicitly teach scoring the data. Haq teaches that it is known that the database includes scoring data corresponding to predetermined items of said categorized performance capabilities and predetermined key words that appear in said free text user information and wherein said means for ordering provides a ranking value to each member of said set that is a function of the scoring data corresponding to a combination of said predetermined items and said predetermined key words matched by said selecting means (column 4, lines 5-45, where an index of scoring is utilized as well as a weighting system with respect to the importance of the criteria/skill and the level of skill.). Haq is an analogous art as it also teaches about employee assessment. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the assessment system of Lacy with the scoring feature of Haq to provide a more efficient means of processing the data.

As per claims 9 and 12, Lacy teaches collecting performance capability information from said workforce wherein the workforce includes a plurality of members and wherein said performance capability information includes categorized information and free text information said performance capability information being stored in a workforce database as a plurality of data sets (skills database (114)); and displaying predetermined identifiers of said subset of said plurality of data sets in correspondence with said assigned rankings of said subset of said plurality of data sets (column 4, line 34, where indicators are used for skills required and column 3, lines 8-10 where the skill sets can be ordered in a hierarchy, which is a type of ranking). Lacy does not explicitly teach scoring. Haq teaches that it is known to score a subset of the data sets relative to

a predefined set of selection criteria including a first set of predetermined items

matchable against said categorized information and a second set of predetermined

items matchable against free text information, said step of scoring assigning rankings to

said subset of said plurality of data sets (column 4, lines 5-45, where an index of scoring

is utilized as well as a weighting system with respect to the importance of the

criteria/skill and the level of skill.). Haq is an analogous art as it also teaches about

employee assessment. Therefore it would have been obvious to one of ordinary skill in

the art at the time of the invention to modify the assessment system of Lacy with the

scoring feature of Haq to provide a more efficient means of processing the data.

As per claim 10, Lacy does not explicitly teach scoring data. Haq teaches that it

is known that the workforce database stores scoring data corresponding to respective

items of said performance capability information and wherein said assigned rankings is

derived from a function of said scoring data corresponding to said performance

capability information matched by said first and second set of predetermined items

(column 6, lines 18-25, where the skill index information is used in conjunction with the

employee data from the database). Haq is an analogous art as it also teaches about

employee assessment. Therefore it would have been obvious to one of ordinary skill in

the art at the time of the invention to modify the assessment system of Lacy with the

scoring feature of Haq to provide a more efficient means of processing the data.

As per claim 11, Lacy teaches the workforce database includes a key item

database of free text key items and wherein said step of scoring includes matching said

second set of predetermined items with key items of said free text information based on

a predetermined lookup correspondence defined by said key item database (column 16, lines 6-19, where the user can view all data that is associated with the selected MSSD category, which is stored in the database and column 16, lines 55-60, where the user can also use free text to search.).

As per claim 13, Lacy teaches the second set of performance capabilities is provided as free text (See Figures 11 and 13, where the criteria for skills is in categorized fields such as "Synthesis Tools" as well as additional skills can be added (1306) which would constitute a free text criteria.).

As per claims 14-15, Lacy teaches the performance capability identifiers include key words and wherein the analyzer is operative to selectively match the free text of the second set with the key words (column 16, lines 55-61, where the search function is used to find key words or phrases that may be contained in the skill information).

As per claims 16-17, Lacy does not explicitly teach scoring. Haq teaches that it is known to have a scoring analysis subsystem, responsive to said first and second subscores, to provide a candidate score (See Figure 3, which contains scoring for each skill, which is tallied to generate a final score.). Haq is an analogous art as it also teaches about employee assessment. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the assessment system of Lacy with the scoring feature of Haq to provide a more efficient means of processing the data.

As per claim 18, Lacy teaches collecting information from a set of potential candidates for a position, wherein the collected information includes categorized

information and free form information (skills database (114)) and providing, based on

the first and second scoring, a ranking of said set of potential candidates (column 4,

lines 44-56, where the skills are grouped and placed in hierarchical order). Lacy does

not explicitly teach scoring or weighting. Haq teaches that it is known to score said

categorized information subject to a weighting specification associated with said

position; parsing said free form information to identify instances of key information

corresponding to capability identifiers stored by a database; second scoring said

instances of key information subject to said weighting specification (column 4, lines 5-

45, where an index of scoring is utilized as well as a weighting system with respect to

the importance of the criteria/skill and the level of skill.).

8.   Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lacy in view of Haq in further view of Puram.

As per claim 19, Lacy teaches reviewing the information collected from said set

of potential candidates (analysis results (112) where the data is analyzed by the user).

Lacy does not explicitly teach feedback. Puram teaches that it is known to provide

feedback to said set of potential candidates, wherein said step of reviewing provides for

a normalization of the quality of information provided by said set of potential candidates

(column 3, lines 40-47, where there is a feedback provided for employers and

candidates and adjusting needs and skills data accordingly, therefore if the needs are

better defined, this would improve the quality of the matching). Puram is an analogous

art as it also teaches about candidate matching. Therefore it would have been obvious

to one of ordinary skill in the art at the time of the invention to modify the system of Lacy

with the feedback feature of Puram to provide a more efficient means of matching the correct candidate to the correct job/employer.

As per claim 20, Lacy teaches the step of adjusting the scoring performed by said first and second scoring steps where said normalization has been performed (column 3, lines 40-47, where there is a feedback provided for employers and candidates and adjusting needs and skills data accordingly, adjusting the needs and skills would in turn adjust the scoring accordingly.).

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art also teaches about the assessment of features: Lacy et al (US 6,735,570), "There are a million stories in the workplace, CareerFables.com wants yours...", www.careerfables.com News, February 2, 2000; and "CareerFables.com redefines how to qualify a Job Candidate with the SkillsMatch", PR Newswire, July 20, 2000.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

LMK

Lmk

April 3, 2006

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Request for Information 37 CFR 1.105

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

In response to this requirement, please provide the names of any products or services that have incorporated the disclosed prior art:

Non Patent Literature was found on www.careerfables.com, dated February 2, 2000 that announces the launch of Phase One of a website for job searches and skills assessment. Please provide documentation as to the abilities of the website and its encompassed product at this time.

The information is required to identify products and services embodying the disclosed subject matter of application 10/079024 and identify the properties of similar products and services found in the prior art.

In response to this requirement, please provide the names of any products or services that have incorporated the disclosed prior art in application 10/079024.

The fee and certification requirements of 37 C.F.R. § 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 C.F.R. § 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement

under 37 C.F.R. § 1.105 are subject to the fee and certification requirements of 37

C.F.R. § 1.97.

The applicant is reminded that the reply to this requirement must be made with

candor and good faith under 37 CFR 1.56. Where the applicant does not have or

cannot readily obtain an item of required information, a statement that the item is

unknown or cannot be readily obtained will be accepted as a complete response to the

requirement for that item.

This requirement is an attachment of the enclosed Office action. A complete

response to the enclosed Office action must include a complete response to this

requirement. The time period for reply to this requirement coincides with the time period

for reply to the enclosed Office action, which is 3 months.

In response to this requirement, please provide the citation and a copy of each

publication which any of the applicants authored or co-authored and which describe the

disclosed subject matter of skill assessment.

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600